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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/145,690	09/02/1998	CHARLES J. LONG JR.	97-106CIP	6264

7590 01/16/2003

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EXAMINER

HYLTON, ROBIN ANNETTE

ART UNIT PAPER NUMBER

3727

DATE MAILED: 01/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Interview Summary

Application No.

09/145,690

Applicant(s)

LONG JR., CHARLES J.

Examiner

Robin Hylton

Art Unit

3727

All participants (applicant, applicant's representative, PTO personnel):

(1) Robin Hylton.(3) Charles Long (inventor).(2) Gerald Iwanejko.

(4) \_\_\_\_\_.

Date of Interview: 14 January 2003.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: proposed claims 1 and 25 and finally rejected claim 4.

Identification of prior art discussed: Perchepied.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

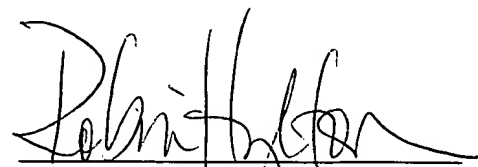
Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☐ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

#### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

##### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form or in an attachment to the Form, the examiner should check the appropriate box at the bottom of the Form which informs the applicant that the submission of a separate record of the substance of the interview as a supplement to the Form is not required.

It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The proposed amendments to claims 1 and 25 (see attached draft amendment) incorporate limitations of claim 4. It appears the patent does not specifically teach the limitation of a plurality of frangible elements and elevated areas and at least one frangible element being connected between two elevated areas and at least one other frangible element being connected to the skirt from an elevated area. However, patentability has not been determined at this time because the art has not been evaluated with this limitation in independent form. Reconsideration will be given upon filing of a formal amendment .

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# Fax

<b>To:</b> Examiner Robin A. Hylton	<b>From:</b> Gerald J. Iwanejko, Jr.
<b>Fax:</b> (703) 746-4230	<b>Date:</b> January 13, 2003
<b>Phone:</b> (703) 308-1208	<b>Pages:</b> <sup>14</sup> 20 (including cover page)
<b>Re:</b> U.S. Patent Application Serial No. 09/145,690	<b>CC:</b> Charles J. Long, Jr.
<input type="checkbox"/> Urgent <input checked="" type="checkbox"/> For Review <input type="checkbox"/> Please Comment <input type="checkbox"/> Please Reply <input type="checkbox"/> Please Recycle	

**•Comments:**

Examiner Hylton,

Attached is the draft Amendment in response to the final Office Action mailed in the above-identified application on 9/20/02. As we previously discussed, the inventor and I will phone you at 11:00am on Tuesday, January 14, 2003 to discuss the final Office Action and this Amendment.

Respectfully,

Jerry Iwanejko

**DRAFT****Attorney Docket No.: 97-106 CIP  
Serial No.: 09/145,690****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****In re Application of:****Charles J. Long, Jr.****Serial No.: 09/145,690****Filed: September 2, 1998****Group Art Unit: 3727****Examiner: Hylton, Robin****Our Ref: 97-106 CIP****SNAP-ON SCREW-OFF  
CLOSURE**

January \_\_, 2003

Commissioner of Patents and Trademarks  
Washington DC 20231

Sir/Madam:

**AMENDMENT**

Pursuant to 37 C.F.R. § 1.116, Applicant respectfully requests entry of the following amendments to the above-identified application in response to the final Office Action mailed September 20, 2002.. Per 37 C.F.R. § 1.121, a clean version of the amended subject matter is included in the "Appendix" submitted herewith.

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**DRAFT****IN THE SPECIFICATION:**

Page 19, line 3 through page 19, line 22: Delete "Preferably the closure and neck finish ... snap on application."

**IN THE CLAIMS:**

Please cancel Claims 3 and 4

Please amend Claims 1 and 25 as follows:

1. (four times amended) A tamper indicating closure configured for snap-on or screw-on application to a container, said closure comprising:
  - a. a closure top portion;
  - b. an annular depending skirt extending from said top portion, said depending skirt having an internal thread configuration adapted for engaging an external thread configuration on the neck portion of said container by snap-on application during initial installation of said closure to the container neck;
  - c. an inner annular sealing flange depending from said closure top portion in spaced relation to said depending skirt; and
  - d. a tamper indicating ring connected to said depending skirt by a plurality of frangible elements;

wherein said tamper indicating ring includes at least one arcuate projection extending around at least a portion of said tamper indicating ring arranged for registration with a container

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neck portion on which said closure is positioned and said closure includes at least one nonremovable member breakably attached to said tamper-indicating ring which cooperates with at least one said arcuate projection to assist in breaking said tamper indicating ring during removal of said closure from said container neck; and

wherein at least one said arcuate projection is held in place by an annular locking flange on the container neck as said member is pulled away from said arcuate projection by twist-off removal of said annular depending skirt to cause said tamper indicating ring to break at a weakened area as said member pulls said tamper indicating ring upward to cause breakage of said frangible elements connecting said skirt to said tamper indicating ring and fracture of said weakened area by separation of said portion of said tamper indicating ring attached to said member from said portion of said tamper indicating ring attached to said arcuate projection;

wherein said tamper indicating ring includes an elevated area extending axially towards said depending skirt, wherein said elevated area defines a region of decreased ring spacing from said depending skirt and further comprising a plurality of said frangible elements and said elevated areas, wherein at least one of said frangible elements is connected to said depending skirt between two said elevated areas and wherein at least one other said frangible element is connected to said depending skirt from an elevated area.

25. (three times amended) A tamper indicating closure configured for snap-on or screw-on application to a container, said closure and container comprising in combination:

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- a. a closure top portion;
- b. an annular depending skirt extending from said top portion, said depending skirt having an internal thread configuration adapted for engaging an external thread configuration on the neck portion of said container by snap-on application during initial installation of said closure to said container neck;
- c. an inner annular sealing flange depending from said closure top portion in spaced relation to said depending skirt; and
- d. a tamper indicating ring connected to said depending skirt by a plurality of frangible elements;

wherein said tamper indicating ring includes at least one arcuate projection extending around at least a portion of said tamper indicating ring arranged for registration with a container neck portion on which said closure is positioned and said closure includes at least one nonremovable member breakably attached to said tamper-indicating ring which cooperates with at least one said arcuate projection to assist in breaking said tamper indicating ring during removal of said closure from said container neck; and

wherein at least one said arcuate projection is held in place by an annular locking flange on said container neck as said member is pulled away from said arcuate projection by twist-off removal of said annular depending skirt to cause said tamper indicating ring to break at a weakened area as said member pulls said tamper indicating ring upward to cause breakage of said frangible elements connecting said skirt to said tamper indicating ring and fracture of said

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weakened area by separation of said portion of said tamper indicating ring attached to said member from said portion of said tamper indicating ring attached to said arcuate projection;

wherein said tamper indicating ring includes an elevated area extending axially towards said depending skirt, wherein said elevated area defines a region of decreased ring spacing from said depending skirt and further comprising a plurality of said frangible elements and said elevated areas, wherein at least one of said frangible elements is connected to said depending skirt between two said elevated areas and wherein at least one other said frangible element is connected to said depending skirt from an elevated area.

**REMARKS**

Applicant respectfully submits that the foregoing amendments are sufficient to place the application in a condition for allowance.

Objections to the Specification and Claims:

It is respectfully submitted that the amendments to the abstract and claims presented herein are sufficient to overcome the Examiner's objections thereto. (See final Office Action dated September 20, 2002; at paragraphs 1 through 3.)

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**DRAFT**Claim Rejections under 35 U.S.C. §§ 102 and 103:

Claims 1 and 25 have been amended herein to incorporate the subject matter of cancelled Claim 3 along with the subject matter of cancelled Claim 4, which is dependent from Claim 3.

In the final Office Action dated September 20, 2002, the Examiner's rejection of Claim 3 under both 35 U.S.C. §§ 102 and 103 is based upon Perchepied, U.S. Patent No. 5,609,263. (See final Office Action dated September 20, 2002; at paragraphs 6 and 9.) However, in that final Office Action, it is indicated that Claim 4 (and the claims dependent therefrom) are allowable over the prior art of record. (See final Office Action dated September 20, 2002; at paragraph 13.)

No prior art reference of record teaches the limitation of cancelled Claim 4 (incorporated into Claims 1 and 25) requiring "*at least one of said frangible elements is connected to said depending skirt between two said elevated areas and wherein at least one other said frangible element is connected to said depending skirt from an elevated area.*" (See Applicant's specification; at Figure 2.) Since the subject matter of Claim 4 (as dependent from Claim 3) has been incorporated into Claims 1 and 25, all pending claims as dependent therefrom are allowable over the prior art of record.

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For the foregoing reasons, reconsideration and allowance of pending Claims 1, 5-12, 14, 16-20, 22 and 25 as amended herein is respectfully requested.

Respectfully submitted,  
CHARLES J. LONG, JR.

By

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**APPENDIX**

1. A tamper indicating closure configured for snap-on or screw-on application to a container, said closure comprising:

- a. a closure top portion;
- b. an annular depending skirt extending from said top portion, said depending skirt having an internal thread configuration adapted for engaging an external thread configuration on the neck portion of said container by snap-on application during initial installation of said closure to the container neck;
- c. an inner annular sealing flange depending from said closure top portion in spaced relation to said depending skirt; and
- d. a tamper indicating ring connected to said depending skirt by a plurality of frangible elements;

wherein said tamper indicating ring includes at least one arcuate projection extending around at least a portion of said tamper indicating ring arranged for registration with a container neck portion on which said closure is positioned and said closure includes at least one nonremovable member breakably attached to said tamper-indicating ring which cooperates with at least one said arcuate projection to assist in breaking said tamper indicating ring during removal of said closure from said container neck; and

wherein at least one said arcuate projection is held in place by an annular locking flange

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on the container neck as said member is pulled away from said arcuate projection by twist-off removal of said annular depending skirt to cause said tamper indicating ring to break at a weakened area as said member pulls said tamper indicating ring upward to cause breakage of said frangible elements connecting said skirt to said tamper indicating ring and fracture of said weakened area by separation of said portion of said tamper indicating ring attached to said member from said portion of said tamper indicating ring attached to said arcuate projection;

wherein said tamper indicating ring includes an elevated area extending axially towards said depending skirt, wherein said elevated area defines a region of decreased ring spacing from said depending skirt and further comprising a plurality of said frangible elements and said elevated areas, wherein at least one of said frangible elements is connected to said depending skirt between two said elevated areas and wherein at least one other said frangible element is connected to said depending skirt from an elevated area.

25. A tamper indicating closure configured for snap-on or screw-on application to a container, said closure and container comprising in combination:

- a. a closure top portion;
- b. an annular depending skirt extending from said top portion, said depending skirt having an internal thread configuration adapted for engaging an external thread configuration on the neck portion of said container by snap-on application during initial installation of said closure to said container neck;

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c. an inner annular sealing flange depending from said closure top portion in spaced relation to said depending skirt; and

d. a tamper indicating ring connected to said depending skirt by a plurality of frangible elements;

wherein said tamper indicating ring includes at least one arcuate projection extending around at least a portion of said tamper indicating ring arranged for registration with a container neck portion on which said closure is positioned and said closure includes at least one nonremovable member breakably attached to said tamper-indicating ring which cooperates with at least one said arcuate projection to assist in breaking said tamper indicating ring during removal of said closure from said container neck; and

wherein at least one said arcuate projection is held in place by an annular locking flange on said container neck as said member is pulled away from said arcuate projection by twist-off removal of said annular depending skirt to cause said tamper indicating ring to break at a weakened area as said member pulls said tamper indicating ring upward to cause breakage of said frangible elements connecting said skirt to said tamper indicating ring and fracture of said weakened area by separation of said portion of said tamper indicating ring attached to said member from said portion of said tamper indicating ring attached to said arcuate projection;

wherein said tamper indicating ring includes an elevated area extending axially towards said depending skirt, wherein said elevated area defines a region of decreased ring spacing from said depending skirt and further comprising a plurality of said frangible elements and said

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elevated areas, wherein at least one of said frangible elements is connected to said depending skirt between two said elevated areas and wherein at least one other said frangible element is connected to said depending skirt from an elevated area.

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**DRAFT****ABSTRACT OF THE DISCLOSURE**

The present invention provides a closure with a thread configuration adapted for snap-on or screw-on application to a container neck finish. Preferably the closure and neck finish contain eight or nine mating continuous or discontinuous threads for this purpose. The present invention preferably provides at least one annular sealing bead depending from the outer surface of the closure valve which are compressed against the inner surface of the container neck to form a seal as the closure is snapped onto the container neck. Optionally, sealing engagement between the closure and the mating portions of the exterior wall of the container neck may be further improved by including one or more annular sealing beads on the interior surface of the closure depending annular skirt. The present invention also preferably provides plurality of elevated areas extend upwardly from the tamper evident band in spaced relation to the bottom edge of the closure body to support the tamper evident band in resisting vertical movement imparted by insertion of the closure on the bottle neck, thereby protecting the frangible elements during assembly. The frangible elements connecting the tamper evident band to the lower edge of the closure body may be configured to extend from these elevated areas as well as the non-elevated areas of the tamper evident band to assist in preventing axial misalignment of the tamper evident band relative to the annular depending skirt portion of the closure upon subjecting the closure to torquing forces during assembly to the container neck. At least one and preferably a plurality of circumferentially spaced lugs optionally extend from the exterior wall of the container neck to facilitate breaking the frangible elements on the tamper evident band of the closure by engaging the frangible elements as

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~~the closure is twisted off the container neck following initial snap-on application.~~ The closure is optionally provided with at least one member attached to the tamper-indicating ring which cooperates with the arcuate projection to assist in breaking said tamper indicating ring during removal of the closure from the container neck.

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